

**DRAFT**

## **City of Santa Barbara Planning Division**

### **PLANNING COMMISSION MINUTES**

**March 10, 2011**

#### **CALL TO ORDER:**

Chair Jostes called the meeting to order at 1:07 P.M.

#### **I. ROLL CALL**

Chair John Jostes, Commissioners Bruce Bartlett, Charmaine Jacobs, Stella Larson, and Deborah L. Schwartz.

**Absent: Commissioners Sheila Lodge and Mike Jordan**

#### **STAFF PRESENT:**

Danny Kato, Senior Planner  
Susan Reardon, Senior Planner and Staff Hearing Officer  
N. Scott Vincent, Assistant City Attorney  
Joe Poire, Fire Marshall  
Jim Austin, Fire Inspector  
Melissa Hetrick, Project Planner  
Kelly Brodison, Assistant Planner  
Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

Senior Planner Danny Kato announced that Item IV, Highway 101 in the vicinity of Salinas Street On/Off Ramps, has been continued to March 17, 2011.

- B. Announcements and appeals.

Mr. Kato announced that the Planning Commission's decision on the SHO appeal for 2915 De la Vina Street heard on February 3, 2011, has been appealed to City Council and will be heard on April 12, 2011. Commissioner Jordan will represent the Planning Commission.

- C. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 1:09 P.M. and, with no one wishing to speak, closed the hearing.

### III. **STAFF HEARING OFFICER APPEAL:**

#### **ACTUAL TIME: 1:09 P.M.**

**RECUSALS:** To avoid any actual or perceived conflict of interest, Commissioner Bartlett recused himself from hearing this item due to his architectural firm representing the Applicant.

Commissioner Bartlett left the dais at 1:10 P.M. and did not return.

Commissioner Jacobs arrived at 1:10 P.M.

**APPEAL BY MARC CHYTILO, AGENT FOR JUDY AND DAVID DENENHOLTZ, OF THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF MARK SHIELDS OF DESIGN ARC, ARCHITECT FOR THOMAS AND BARBARA SANBORN, PROPERTY OWNERS, 1233 MISSION RIDGE ROAD, APN 019-231-007, E-1 ONE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNIT PER ACRE (MST2010-00186)**

Proposal to demolish the existing residence, accessory building, and detached garage totaling 2,847 square feet, and construct a new single-family residence and an Additional Dwelling Unit on a 31,584 square foot lot in the Hillside Design District. The new single family dwelling is proposed as a 3,796 square foot two-story single-family residence with an attached 407 square foot two-car garage, 192 square foot workshop, 674 square foot covered patio, 50 square foot second-story deck, pool, spa, hardscape and retaining walls. The Additional Dwelling Unit is proposed as a 920 square foot one-story additional dwelling unit, with a 459 square foot two-car garage and a 125 square foot storage area attached to the main house. The discretionary application required for this project are a Performance Standard Permit to permit an additional dwelling on a one-family residentially zoned lot (SBMC § 28.93.030.E).

**This project was approved by the Staff Hearing Office on January 26, 2011 and appealed on February 7, 2011.**

Case Planner: Kelly Brodison, Assistant Planner  
Email: KBrodison@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4531

Kelly Brodison, Assistant Planner, gave the Staff presentation. Joining Ms. Brodison were Joe Poire, Santa Barbara City Fire Marshall, Jim Austin, Santa Barbara City Fire Inspector; Melissa Hetrick, Environmental Analyst; and Susan Reardon, Staff Hearing Officer, who made themselves available to answer any Planning Commission questions.

Marc Chytilo, representing Judy and David Denenholtz, gave the Appellant presentation.

Mark Shields, Architect, gave the Applicant presentation, joined by the Applicants Thomas and Barbara Sanborn.

Chair Jostes opened the public hearing at 1:55 P.M.

Paul Zink, Single Family Design Board Member (SFDB), summarized SFDB's review of the size, bulk, and scale of the project and recommendations made to, and accepted by the Applicant, to mitigate public views. SFDB unanimously supports the direction the Applicant is taking with the project.

The following people spoke in support of the appeal:

1. Judy Denenholtz: safety and fire concerns.
2. Alain Trial : neighborhood incompatibility, FAR, safety and fire concerns, traffic.
3. Beverly Johnson Trial: potential property value impacts, view loss.

The following people spoke in opposition to the appeal and support for the project:

1. Glendon Dyruff
2. Dorothy Padilla
3. Sara Lytle

With no one else wishing to speak, the public hearing was closed at 2:09 P.M.

**MOTION: Schawrtz/Jacobs**

**Assigned Resolution No. 005-11**

Deny the appeal and uphold the decision of the Staff Hearing Officer making the findings for the Performance Standard Permit as outlined in the Staff Report subject to the conditions of approval in Staff Hearing Officer Resolution 002-11.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Lodge, Jordan)

Chair Jostes announced the ten calendar day appeal period.

**IV. NEW ITEM:**

**APPLICATION OF CALTRANS, DISTRICT 5, LOCATION: HIGHWAY 101 IN THE VICINITY OF SALINAS ST. ON/OFF RAMPS, APN: 099-MSC-0PW, SD-3 (COASTAL) ZONE, GENERAL PLAN DESIGNATION: OPEN SPACE/BUFFER (CASE# MST2004-00701) Continued to March 17, 2010.**

The proposed project is to amend the approved Coastal Development Permit for the Highway 101 Operational Improvements Project (Milpas to Hot Springs), to widen Highway 101 to three lanes in the vicinity of the Salinas Street on/off-ramps. The project will require the reduction or elimination of previously improved landscaping in the median (between the northbound and southbound lanes) and the area adjacent to the new sound walls. The project also includes relocation of a portion of the sound wall near the end of the off ramp and installation of guard railings.

The discretionary application required for this project is a Coastal Development Permit Amendment (SBMC §28.44.240).

A Final Environmental Impact Report (FEIR)/ Federal Environmental Assessment Finding of No Significant Impact (FONSI) was certified for the Highway 101 Operational Improvements Project by Caltrans District 5 in March 2004. The City prepared an Addendum to the FEIR to document minor changes to the project description prior to Planning Commission approval of the project in December 2004. Caltrans prepared an Addendum to the FEIR to reflect the changes in the proposed project. Prior to action on the project, the Planning Commission must make findings pursuant to the California Environmental Quality Act (CEQA) §§21081 and 21081.6 and CEQA Guidelines §§15091, 15092, 15096, 15097, and 15164.

Case Planner: Dan Gullett, Associate Planner  
Email: DGullett@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4550

V. **ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 1:10 P.M.**

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

Commissioner Larson reported on the Staff Hearing Officer meeting held on March 9, 2011.

2. Other Committee and Liaison Reports

None.

VII. **ADJOURNMENT**

**MOTION: Larson/Jacobs**

Adjourn the meeting of March 10, 2011.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Bartlett, Lodge, Jordan)

Chair Jostes adjourned the meeting at 2:43 P.M.

Submitted by,

---

Julie Rodriguez, Planning Commission Secretary

DRAFT





# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 005-11  
1233 MISSION RIDGE ROAD  
PERFORMANCE STANDARD PERMIT  
MARCH 10 2011

**APPEAL BY MARK CHYTILO, AGENT FOR JUDY AND DAVID DENENHOLTZ, OF THE STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF MARK SHIELDS OF DESIGN ARC, ARCHITECT FOR THOMAS AND BARBARA SANBORN, PROPERTY OWNERS, 1233 MISSION RIDGE ROAD, APN 019-231-007, E-1 ONE FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 1 UNIT PER ACRE (MST2010-00186)**

Proposal to demolish the existing residence, accessory building, and detached garage totaling 2,847 square feet, and construct a new single-family residence and an Additional Dwelling Unit on a 31,584 square foot lot in the Hillside Design District. The new single family dwelling is proposed as a 3,796 square foot two-story single-family residence with an attached 407 square foot two-car garage, 192 square foot workshop, 674 square foot covered patio, 50 square foot second-story deck, pool, spa, hardscape and retaining walls. The Additional Dwelling Unit is proposed as a 920 square foot one-story additional dwelling unit, with a 459 square foot two-car garage and a 125 square foot storage area attached to the main house. The discretionary application required for this project are a Performance Standard Permit to permit an additional dwelling on a one-family residentially zoned lot (SBMC § 28.93.030.E).

**This project was approved by the Staff Hearing Office on January 26, 2011 and appealed on February 7, 2011.**

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, 3 people appeared to speak in favor of the appeal, and 3 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 3, 2011.
2. Site Plans
3. Correspondence received in support of the appeal or with concerns:
  - a. Dan and Diane Gainey, Santa Barbara, CA
  - b. Cathie McCammon, President, Allied Neighborhoods Association
  - c. Alain Trial, via email
  - d. Paula Westbury, Santa Barbara, CA
  - e. Beverly Johnson, via email

4. Correspondence received in opposition to the appeal:
  - a. Laurel Phillips, Santa Barbara, CA
  - b. Mary Lou Fahy, Santa Barbara, CA
  - c. Sarah Stewart, Santa Barbara, CA
  - d. Sara Lytle and Fred Davis III, Santa Barbara, CA

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

- I. Denied the appeal and upheld the decision of the Staff Hearing Officer's approval making the following findings and determinations subject to the conditions of approval in Staff Hearing Officer Resolution 002-11:

**Performance Standard Permit (SBMC 28.93.030)**

The Performance Standard Permit complies with all standards of SBMC 28.93.030.E, including adequate lot area for two residential units with associated existing accessory space, and adequate ingress and egress for each residence. Based on the discussions in Sections V.B and C of this Staff Report, the Planning Commission concludes there is adequate ingress and egress to the project site for day-to-day and emergency use. The project is located on a 31,584 square foot lot of which is more than the minimum lot size required for an Additional Dwelling Unit in the E-1 zone district, as described in Sections III. and IV of this Staff Report. The new structures will comply with all ordinance standards of the E-1 Zone including height and setbacks, parking and open yard, as described in Section IV.

- II. Said approval is subject to the following conditions:

- A. The two existing oak trees (20" and 24") on the east side of the property shall be preserved, protected, and maintained. The recommendations for tree protection during construction, including the suggested changes to the plans included in the body of the arborist letter report from Westree dated August 12, 2010, shall be incorporated into the project and included in any plans submitted for a building permit associated with this project.
- B. Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way or Greenridge Lane, unless specifically permitted by the Transportation Manager with a Public Works permit.
- C. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation Manager.

This motion was passed and adopted on the 10th day of March, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 3 (Bartlett, Lodge, Jordan)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL  
WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE  
PLANNING COMMISSION.**

DRAFT





## City of Santa Barbara Planning Division

### PLANNING COMMISSION MINUTES

March 17, 2011

#### **CALL TO ORDER:**

Chair Jostes called the meeting to order at 1:02. P.M.

#### **I. ROLL CALL**

Chair John Jostes, Vice Chair Sheila Lodge, Commissioners Bruce Bartlett, Charmaine Jacobs, Mike Jordan, and Stella Larson.

**Absent: Commissioner Deborah Schwartz**

#### **STAFF PRESENT:**

Danny Kato, Senior Planner  
N. Scott Vincent, Assistant City Attorney  
Rob Dayton, Principal Transportation Planner  
Dan Gullett, Associate Planner  
Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

##### **A. Action on the review of the following Draft Minutes and Resolutions:**

1. Draft Minutes of March 3, 2011
2. Resolution 003-11  
500 James Fowler Road
3. Resolution 004-11  
415 Alan Road

#### **MOTION: Jordan/Bartlett**

Approve the minutes and resolutions.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: (Jacobs) Absent: 1 (Schwartz)

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- C. Announcements and appeals.

Mr. Kato announced that the Planning Commission's decision on 415 Allan Road has been appealed to City Council and will be scheduled in July.

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Jostes opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

**III. NEW ITEM:**

**ACTUAL TIME: 1:06 P.M.**

**RECUSALS:** To avoid any actual or perceived conflict of interest, Commissioner Jacobs recused herself due to the neighboring property being represented by her husband's law firm.

Commissioner Jacobs left the dais at 1:07 P.M. and did not return.

**APPLICATION OF CALTRANS, DISTRICT 5, LOCATION: HIGHWAY 101 IN THE VICINITY OF SALINAS ST. ON/OFF RAMPS, APN: 099-MSC-0PW, SD-3 (COASTAL) ZONE, GENERAL PLAN DESIGNATION: OPEN SPACE/BUFFER (CASE# MST2004-00701)**

The proposed project is to amend the approved Coastal Development Permit for the Highway 101 Operational Improvements Project (Milpas to Hot Springs), to widen Highway 101 to three lanes in the vicinity of the Salinas Street on/off-ramps. The revised project will require the reduction or elimination of previously improved landscaping in the median (between the northbound and southbound lanes) and the area adjacent to the new sound walls. The project also includes relocation of a portion of the sound wall near the end of the off ramp, installation of guard railings, and enclosure of a portion of a drainage ditch in a box culvert.

The discretionary application required for this project is an amendment to an approved Coastal Development Permit (CDP2011-00003) to allow revisions to an approved development in the Coastal Commission's Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

A Final Environmental Impact Report (FEIR)/ Federal Environmental Assessment Finding of No Significant Impact (FONSI) was certified for the Highway 101 Operational Improvements Project by Caltrans District 5 in March 2004. The City prepared an Addendum to the FEIR to document minor changes to the project description prior to Planning Commission approval of the project in December 2004. Caltrans prepared an

Addendum to the FEIR in February 2011 to reflect the changes in the proposed project. Prior to action on the project, the Planning Commission must make findings pursuant to the California Environmental Quality Act (CEQA) §§21081 and 21081.6 and CEQA Guidelines §§15091, 15092, 15096, 15097, and 15164.

Case Planner: Dan Gullett, Associate Planner

Email: DGullett@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4550

Dan Gullett, Associate Planner, gave the Staff presentation.

Gregg Hart, Director of Government Affairs, Santa Barbara County Association of Governments (SBCAG), gave the applicant presentation, joined by David Beard, Caltrans Project Manager; and David Emerson, Caltrans Landscape Architect.

Chair Jostes opened the public hearing at 2:02 P.M.

Paul Zink, Architectural Board of Review Member (ABR), stated that ABR found the proposal unacceptable by a unanimous vote. Suggested the Applicant come back with revised landscaping which has not been seen. ABR remains concerned over the visual aspects of proposal.

Phil Suding, Highway 101 Design Review Team Member, stated that no reduction should be made in median landscape width. It should remain 10 feet per page 21 of the Highway 101 Santa Barbara Coastal Parkway Design Guidelines.

The following people spoke in support of the project:

1. Pat Kissler, Carpinteria Chamber of Commerce
2. Bob Short, Montecito Association

The following people spoke in opposition to the project or with concerns:

1. Beth Collins-Burgard, Brownstein, Hyatt, Farber, and Schreck, for Santa Barbara Sunrise RV Park: construction impacts, safety concerns, and CEQA impacts

With no one else wishing to speak, the public hearing was closed at 2:14 P.M.

Many of the Commissioners were concerned with preservation of the aesthetics of the Highway 101 corridor.

**MOTION: Larson**

Approve the project for a third lane at Salinas, making findings in the Staff Report, with a return to ABR and HLC with the understanding that the boards will make decisions with a reasonable time for turn-around.

The motion was withdrawn.

**MOTION: Bartlett/Jordan**

**Assigned Resolution No. 006-11**

Approve the project, making the CEQA and Coastal Development Permit findings as outlined in the Staff Report, with a condition that alternate offsite areas for the wetland mitigation be explored for areas more appropriate for the Sycamore Creek riparian habitat, and the understanding that the project will return to Architectural Board of Review (ABR) for further consideration of landscaping within the given physical constraints approved by the Planning Commission.

This motion carried by the following vote:

Ayes: 3 Noes: 2 (Larson, Lodge) Abstain: 0 Absent: 2 (Jacobs, Schwartz)

Chair Jostes announced the ten calendar day appeal period.

Chair Jostes called for a recess at 2:56. P.M. and reconvened at 3:07 P.M.

Mr. Kato did not return to Council Chambers after the break with John Ledbetter, Principal Planner continuing the meeting.

**IV. DISCUSSION ITEM**

**ACTUAL TIME: 3:08 P.M.**

**EX PARTE COMMUNICATION:**

Commissioner Lodge disclosed an ex parte communication with Council Members Dale Francisco and Das Williams regarding the General Plan Update.

**REQUEST OF PLANNING COMMISSION CHAIR JOHN JOSTES FOR A STATUS REPORT ON ~~PLAN~~ SANTA BARBARA GENERAL PLAN UPDATE, COMMISSION DISCUSSION OF CONTINUED COMMUNICATION WITH COUNCIL AND THE ADHOC SUBCOMMITTEE, AND APPOINTMENT OF PLANNING COMMISSION ~~PLANSB~~ SUBCOMMITTEE.**

Website and email: [www.YouPlanSB.org](http://www.YouPlanSB.org)

John Ledbetter, Principal Planner, provided the Staff update.

Chair Jostes presented the Planning Commission with an alternative Plan "PlanB" for review and comments, and the implications and lost grant opportunities by the lack of decision on the General Plan Update.

Chair Jostes opened the public hearing at 3:40 P.M.

The following people commented on the project:

1. Mickey Flacks, SB4All, supports sustainability in the General Plan and would like to see the Housing Element separated from the General Plan Update. Supports the Plan B alternative.
2. Debbie Cox Bultan, Coastal Housing Coalition, reiterated support for the Planning Commission's work. and remained concerned with the implications of not having a certified Housing Element.
3. Michael Holliday, Santa Barbara Region Chamber of Commerce, voiced continued support for *PlanSB* and supports the Commission's introduction of a "Plan B" alternative.

With no one else wishing to speak, the public hearing was closed at 3:51 P.M.

Some Commissioners acknowledged having lost ground in making recommendations to City Council and appreciated the introduction of a "Plan B" alternative.

Commissioner Larson left the dais at 4:13 P.M.

Scott Vincent, Assistant City Attorney, stated that a subcommittee reports back to or advises its Commission. If the Commission wished to reengage its Plan Santa Barbara subcommittee, Mr. Vincent recommended that proper tasks for the subcommittee would be to refine the Plan B proposal; recommend to the Planning Commission the process as to how the Planning Commission, as a whole, would consider the proposal; and how the Planning Commission would consider making comments on that proposal, or any other alternative, to City Council. It would not be appropriate for the subcommittee to communicate directly with City Council, given the process established in state law for the updating of general plans and the fact that the Planning Commission, as a whole, has already provided its recommendations to the City Council.

**MOTION: Jostes/Bartlett:**

Continue the Planning Commission *PlanSB* Subcommittee; with Commissioners Bartlett, Jostes, and Lodge; with the focus of reviewing PlanB and providing feedback to the Planning Commission on its deliberations and appropriate steps it might take to further assist the City Council and the Council's Subcommittee, if appropriate, to bringing closure to the PlanSB process in a productive way.

This motion carried by the following vote:

Ayes: 4 Noes: 0 Abstain: 0 Absent: 3 (Jacobs, Larson, Schwartz)

**V. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 4:21 P.M.**

**A. Committee and Liaison Reports.**

**1. Staff Hearing Officer Liaison Report**

None was given.

**2. Other Committee and Liaison Reports**

- a. Commissioner Lodge reported on the Water Commission meeting of March 14, 2011.

**VII. ADJOURNMENT**

**MOTION: Bartlett/Jordan**

Adjourn the meeting of March 17, 2011.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Jacobs, Schwartz)

The meeting was adjourned at 4:22 P.M.

Submitted by,

---

Julie Rodriguez, Planning Commission Secretary



# City of Santa Barbara California

II.A.4.

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 006-11

#### HIGHWAY 101 IN THE VICINITY OF SALINAS STREET ON/OFF RAMPS

#### SALINAS RAMPS COASTAL DEVELOPMENT PERMIT

MARCH 17, 2011

**APPLICATION OF CALTRANS, DISTRICT 5, LOCATION: HIGHWAY 101 IN THE VICINITY OF SALINAS ST. ON/OFF RAMPS, APN: 099-MSC-0PW, SD-3 (COASTAL) ZONE, GENERAL PLAN DESIGNATION: OPEN SPACE/BUFFER (CASE# MST2004-00701)**

The proposed project is to amend the approved Coastal Development Permit for the Highway 101 Operational Improvements Project (Milpas to Hot Springs), to widen Highway 101 to three lanes in the vicinity of the Salinas Street on/off-ramps. The revised project will require the reduction or elimination of previously improved landscaping in the median (between the northbound and southbound lanes) and the area adjacent to the new sound walls. The project also includes relocation of a portion of the sound wall near the end of the off ramp, installation of guard railings, and enclosure of a portion of a drainage ditch in a box culvert.

The discretionary application required for this project is an amendment to an approved Coastal Development Permit (CDP2011-00003) to allow revisions to an approved development in the Coastal Commission's Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

A Final Environmental Impact Report (FEIR)/ Federal Environmental Assessment Finding of No Significant Impact (FONSI) was certified for the Highway 101 Operational Improvements Project by Caltrans District 5 in March 2004. The City prepared an Addendum to the FEIR to document minor changes to the project description prior to Planning Commission approval of the project in December 2004. Caltrans prepared an Addendum to the FEIR in February 2011 to reflect the changes in the proposed project. Prior to action on the project, the Planning Commission must make findings pursuant to the California Environmental Quality Act (CEQA) §§21081 and 21081.6 and CEQA Guidelines §§15091, 15092, 15096, 15097, and 15164.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, 2 people appeared to speak in favor of the application, and 4 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 10, 2011.
2. Site Plans
3. Correspondence received in support of the project:
  - a. Richard Nordlund, Montecito Association
  - b. Richard Krumholz, Department of Transportation
  - c. Lynda Lang, Carpinteria Valley Chamber of Commerce
  - d. Goleta Valley Chamber of Commerce

- e. Suzanne Scar, Chamber of Commerce Alliance of Ventura & Santa Barbara Counties
  - f. Stephen Cushman, Santa Barbara Region Chamber of Commerce
  - g. Kristen Amyx, Santa Barbara Conference and Visitors Bureau and Film Commission
  - h. Jim Kemp, Santa Barbara County Association of Governments (SBCAG)
4. Correspondence received in opposition to the project:
- a. Paula Westbury, Santa Barbara, CA

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

- A. **California Environmental Quality Act (CEQA) Findings.** Pursuant to CEQA (California Public Resources Code Sections 21081, 21081.6) and the Guidelines for the Implementation of CEQA (California Code of Regulations Section 15091, 15096, 15097, 15162, 15164):

The Planning Commission has considered the Final Environmental Impact Report (EIR), EIR Addendum dated December 8, 2004 (City Addendum) and EIR Addendum dated February 23, 2011 (Caltrans Addendum). The Caltrans Addendum was prepared in accordance with the provisions of the State Guidelines for the Implementation of CEQA and documents minor changes and additions to the Certified EIR that do not involve substantial changes to the project, circumstances, impacts, or mitigation measures, and do not identify new or substantially more significant impacts; therefore, a Subsequent or Supplemental EIR is not required to be prepared.. The Certified EIR together with the City and Caltrans Addenda constitute adequate CEQA environmental documentation for the project.

The location and custodian of the documents which constitute the record of proceedings upon which the project decision is based is the City of Santa Barbara Planning Division, 630 Garden Street, Santa Barbara, California. The California Department of Transportation (Caltrans) located at 50 Higuera Street, San Luis Obispo, California is the Lead Agency and custodian of documents for the environmental impact report.

A mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects has been prepared.

Design features incorporated as part of the project description and mitigation measures applied as conditions of project approval would result in the avoidance or substantial lessening of the following environmental impacts identified in the Final EIR and Addenda. These findings are supported by substantial evidence in the record, including the Certified Final EIR, Addendum dated December 8, 2004, Addendum dated February 23, 2011, and associated appendix materials.

The following are anticipated changes to the environmental impacts of the current proposal, as compared to the approved project.

1. Air Quality: No significant increase in long-term air quality impacts is anticipated from the subject project either from project-specific impacts or project contribution to

cumulative impacts. Temporary construction dust effects would be mitigated to less than significant levels by application of standard Air Pollution Control District and City measures required as conditions of approval of the original approved project applicable to the subject project. These measures include daily watering of exposed soils and stockpiles, stabilization of disturbed soil areas, covered truck transport, reduced construction vehicle speeds on unpaved surfaces, dust control monitoring and reporting, and complaint resolution procedures.

2. **Circulation and Traffic:** The subject project is anticipated to benefit long-term vehicle circulation and safety on the highway mainline. As with the approved project, during project construction, mainline highway capacity would be maintained with two travel lanes northbound and southbound. Ramp closures and detours would be instituted at various locations and time periods during project construction, resulting in temporary localized adverse but less than significant traffic impacts. Construction traffic management measures to minimize temporary construction effects have been incorporated as part of the project description and applied as conditions of project approval, including a public awareness/ driver information measures (website, mailings, speakers bureau, public service announcements in the media, roadway signs, telephone information line), operations strategies (management plan evaluation and adjustment, freeway surveillance, reduced speeds through construction zones, alternate route strategies, temporary traffic management equipment, roadway signs, California Highway Patrol presence and enforcement, tow service for incident response, construction staging, parking, and traffic route management), and alternative transportation modes and transportation demand management measures (bus, rail, and rideshare subsidies and marketing, employer-based incentives for telecommuting, alternate work hours, and alternative travel modes).
3. **Geology and Seismicity:** As with the originally approved project, potential impacts from the subject project associated with earthquake ground shaking would be reduced to less than significant levels through implementation of project design measures to provide for resistance of the maximum credible earthquake associated with nearby faults without endangering human life through structural collapse, as identified in geotechnical reports based on site testing and applied as conditions of project approval. As with the approved project, potential soil settlement and liquefaction hazards of the subject project would be reduced to less than significant levels with incorporation of design features as identified in geotechnical reports based on site testing and applied as conditions of project approval, which may include deep compaction of soil, use of deep structure foundations to increase stability, use of grouting to carry loads and increase lateral strength, use of gravel to carry loads and provide a pathway for water migration, and use of mechanical embankment fill stabilizers.
4. **Hazardous Materials and Waste:** The originally approved project affected soils contaminated by petroleum hydrocarbons and groundwater contaminated by benzene which were identified in a few locations by the initial site assessment, and potential project impacts associated with exposure of contamination would be mitigated to less than significant levels through measures applied as conditions of approval, including clean-up of contaminated soils and groundwater in all locations encountered in

accordance with federal, state, and local regulations for worker and public protection, clean-up, and transport and disposal of hazardous waste. Soils along the highway, medians and shoulders have been exposed to lead from vehicle exhaust, and potential hazardous materials impacts would be reduced to less than significant levels by measures applied as conditions of project approval to treat affected soils in accordance with criteria and permitting of the State Department of Toxic Substances, including reuse of soils along the highway only in areas determined safe. The subject project would result in no change to the level of significance of these impacts or the associated mitigations.

5. **Hydrology and Water Quality:** The subject project result in increased impervious surface area compared to the approved project, thereby increasing the amount and volume of storm water runoff and potential downstream erosion. Drainage design of the subject project would accommodate increased flow, and project-specific and cumulative hydrological impacts would be less than significant. Long-term water quality effects (project-specific and cumulative) from increased discharge of urban pollutants and sediment to the Andree Clark Bird Refuge and Sycamore Creek would be minimized with mitigation measures applied as conditions of project approval, including compliance with the City's adopted Storm Water Management Program, pollution prevention best management practices (i.e., preservation of existing vegetation, concentrated flow conveyance systems, and slope surface protection systems), and treatment control best management practices, (i.e., biofiltration strips and swales). Temporary construction impacts to drainage and water quality would be reduced to less than significant levels with temporary best management practices mitigation applied as conditions of project approval, including temporary sediment control, temporary soil stabilization, temporary concentrated flow conveyance systems, scheduling, preservation of vegetation, clear water diversion, dewatering operations, wind erosion control, sediment tracking control, solid waste management, materials handling, concrete waste management, vehicle and equipment operations, paving operations, stockpile management, water conservation practices, illegal discharge detection and reporting, storm drain inlet protection, and contaminated soil management.
6. **Floodplain:** The highway is located with the designated 100-year floodplain and floodway on the federal Flood Insurance Rate Maps. Project structures to be located within the floodplain are the addition of a paved lane, addition of a box culvert, and reconfiguration of soundwalls. Conditions of approval require that further floodplain analysis be provided based on more detailed project plans to confirm the preliminary analysis, and a Letter of Map Revision be processed through the City Floodplain Manager and Federal Emergency Management Agency.
7. **Noise and Vibration:** Baseline pre-project highway noise in the project area affected some residential areas next to the freeway at ambient levels that exceeded City Noise Element guidelines of 60 dBA and Federal Highway Administration standards of 67 dBA, and also affected adjacent recreational uses. The approved project had the potential to increase noise levels at adjacent areas by 2 dBA, a less than significant increase. The approved project replaced the existing sound barrier wall on the north side of Highway 101 from Punta Gorda to Salinas Street, and added new sound walls from Milpas to Punta Gorda and along the Municipal Tennis Courts on the north side. The noise barriers were

expected to reduce noise levels by 4-6 dBA at adjacent residential and recreational areas, mitigating the project noise impact and the project contribution to cumulative noise impacts. The subject project shifts a short portion of soundwall near the end of the off ramp away from the ramps and decreases the length of the soundwall near the beginning of the on ramp by approximately 18 feet. Long-term vibration effects of the project to adjacent land uses due to passing heavy trucks and buses would be less than significant, and would be minimized with application of measures to provide smooth surfacing, and use of lower-noise surfacing materials as determined feasible. Sporadic disruptive construction noise would occur temporarily during the project construction period, an adverse but less than significant effect to adjacent residential uses with the application of mitigation measures as conditions of approval, including use of equipment noise control (newer, quieter equipment with noise abatement measures such as mufflers, engine covers, and vibration isolators), administrative measures (schedule construction activities to minimize noise effects during nighttime and weekend hours; locate stationary construction operations to be least disruptive), barriers (construct project noise barriers at the beginning of construction when possible; use temporary wooden barriers if nighttime construction activities occur); and notification (advance notice of construction schedule, and identified contact for complaints/resolution). As stated in the Caltrans Addendum, the proposed changes to the soundwall and highway facility do not represent a significant change to the temporary or long term noise impacts of the original project.

8. **Biological Resources:** The original project identified a potentially significant impact due to removal of native oak and sycamore trees (estimated at 24 trees with the original approved project). Existing native oak and sycamore trees that would be removed as part of the subject project would be mitigated to a less than significant level with measure applied as a condition of approval requiring installation of replacement native trees at a 5:1 ratio with trees to be maintained by Caltrans in perpetuity. Unplanted trees provided in the originally approved project plans as mitigation for existing native tree removal shall be replaced at a 1:1 ratio with trees to be maintained by Caltrans in perpetuity. As with the originally approved project, potentially significant impacts to birds nesting would be avoided by a measure applied as a condition of approval requiring vegetation removal to occur between August 1 and March 15, outside the nesting season. Also as with the originally approved project, potentially significant impacts to special status aquatic species (steelhead and tidewater goby) during project construction would be mitigated to less than significant levels with measures applied as conditions of approval to the originally approved project requiring work within Sycamore Creek and culvert outlets to take place during low-flow period; maintenance of fish passage; control of sedimentation; wetlands replacement; use of protective fencing; revegetation of exposed soil; and conditions established by regulatory permit process of the U.S. Fish & Wildlife Service and National Marine Fisheries Service.
9. **Wetlands:** Construction of the project would result in impacts waters of the U.S. in the concrete lined drainage ditch. 1:1 Mitigation at a location along Sycamore Creek is required for the identified impacts, unless the U.S. Army Corps of Engineers or California Department of Fish & Game requires a higher mitigation ratio. With this mitigation measure, wetland impacts would be reduced to less than significant levels.

10. **Visual Resources:** The subject project would reduce blockage of coastal and mountain views compared to the originally approved project due to the reduction and reconfiguration of sound walls. The additional lane would require the loss of trees and screening vegetation, a potentially significant impact. With installation of replacement vegetation and soundwalls proposed as part of the project and to be approved by the City Design Review process, the project impact would be reduced to an adverse but less than significant level. Temporary reduction in visual quality of the area would occur during construction and until vegetation matures (estimated five years), an adverse but less than significant impact.
11. **Cultural Resources:** As with the originally approved project, potentially significant project impacts to archaeological resources would be reduced to less than significant levels with implementation of mitigation measures applied as conditions of project approval, including archaeological monitoring of disturbance within sensitive areas and discovery procedures requiring evaluation of any resources discovered and mitigation of impacts.
12. **Land Use, Socioeconomics, and Housing:** Project impacts associated with conversion of areas for transportation facilities use and loss of several housing and commercial structures as identified in the Final EIR would not change with the project design refinements.

**B. Coastal Development Permit (CDP) findings, pursuant to SBMC (§28.44.150).**

1. *The project is consistent with the policies of the California Coastal Act.*  
As discussed in the Staff Report dated March 10, 2010, the certified EIR dated March 2004, the EIR addendum prepared by the City of Santa Barbara dated December 8, 2004, and the Addendum prepared by Caltrans dated February 23, 2011, and testimony at the hearing of March 17, 2011, the project is consistent with all applicable policies of the Coastal Act including policies related to public access, aesthetics, water quality, and biology.
2. *The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.*  
As discussed in the Staff Report dated March 10, 2010, the certified EIR dated March 2004, the EIR addendum prepared by the City of Santa Barbara dated December 8, 2004, and the Addendum prepared by Caltrans dated February 23, 2011, and [insert information based on testimony at the hearing of March 17, 2011], the project is consistent with all applicable policies of the Local Coastal Plan, including policies related to aesthetics, water quality, and biology, all applicable implementing guidelines including the *Highway 101 Santa Barbara Parkway Design Guidelines*, and all applicable provisions of the Municipal Code including:

**II. Said approval is subject to the following conditions:**

- A. **Permitted Development.** The development approved by the Planning Commission on March 10, 2011 amends the approved Coastal Development Permit for the Highway 101 Operational Improvements Project (MST2004-00701), to widen Highway 101 to three lanes in the vicinity of

the Salinas Street on/off-ramps and consists of the improvements shown on the plans and written project description signed by the Chairman of the Planning Commission on said date and the conditions of approval on file at the City of Santa Barbara, subject to further City review and approval detailed below.

- B. **Wetland Mitigation.** Caltrans shall identify location(s) along Sycamore Creek for conducting wetland restoration to mitigate impacts to wetlands resulting from the highway improvement project. Impacts to wetlands shall be mitigated at a minimum 1:1 ratio, pending approval of the U.S. Army Corps of Engineers and the California Department of Fish and Game. Caltrans shall explore locations along Sycamore Creek upstream of Highway 101 for potential restoration areas. The location(s) for restoration within the City of Santa Barbara shall be approved by the City with concurrence by State and Federal permitting agencies.

Caltrans shall provide the Creeks Division a description and schedule for obtaining all necessary Local, State and Federal permits required for conducting restoration work.

A preliminary restoration plan shall be provided to the Creeks Division, Public Works Department, and County Flood Control and Water Conservation District for review and City approval. The restoration plan shall include a description of all proposed restoration activities, including but not limited to: plants/trees to be removed; grading; bank/bed stabilization methods; post construction erosion control methods, plant species to be installed, including density and sources; estimated costs; construction schedule; construction techniques, long term monitoring criteria and procedures. Engineered project drawings at minimum 65% detail shall also be provided as part of the restoration plan with a site map of the restoration area that includes property lines and square footage estimates.

- C. **Storm Water Management.** The project is required to comply with Tier 3 of the City's Storm Water Management Plan (treatment, rate and volume). Caltrans shall submit drainage calculations, a hydrology report, and worksheets from the Storm Water BMP Guidance Manual for Post Construction Practices prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City's Storm Water Management Plan. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.

Caltrans shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- D. **Landscape Plan Compliance.** Caltrans shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be installed and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the Caltrans is responsible for its immediate replacement.

- E. **Architectural Board of Review.** The project shall return to the Architectural Board of Review (ABR) for consideration of landscaping opportunities within the given physical constraints of the project as approved by the Planning Commission. ABR shall consider requiring more mature landscaping with the project as appropriate.
- F. **Crosstown Freeway Landscaping.** Within six months of approval, Caltrans shall submit application to the Historic Landmarks Commission and the Architectural Board of Review for median landscaping enhancements consistent with the Highway 101 Santa Barbara Coastal Parkway Design Guidelines at the location between Laguna Street and Chapala Street shown on Exhibit D of the Staff Report dated March 10, 2011 with the objective of screening oncoming freeway traffic while preserving desirable views of distant features, including the ocean and mountains. Caltrans shall diligently pursue the approval of this project at the ABR and HLC. The approved landscaping plan shall be subject to the requirements in Conditions II.D., above.
- G. **General Conditions.**
1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolution 059-04.
  2. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
  3. **Approval Limitations.**
    - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
    - b. All Highway facilities and associated structures shall be located substantially as shown on the plans approved by the Planning Commission.
    - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
  4. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments

of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 17th day of March, 2011 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Larson, Lodge) ABSTAIN: 0 ABSENT: 2 (Jacobs, Schwartz)

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**